

BIRCH, STEWART, KOLASCH & BIRCH, LLP

TERRELL C. BIRCH
RAYMOND C. STEWART
JOSEPH A. KOLASCH
JAMES M. SLATTERY*
BERNARD L. SWEENEY*
MICHAEL K. MUTTER
CHARLES GORENSTEIN
GERALD M. MURPHY, JR
LEONARD R. SVENSSON
TERRY L. CLARK
ANDREW D. MEIKLE
MARC S. WEINER
JOE MCKINNEY MUNCY
ROBERT J. KENNEY
DONALD J. DALEY
JOHN W. BAILEY
JOHN A. CASTELLANO
GARY D. YACURA
THOMAS S. AUCHTERLONIE
MARK J. NUELL, PH D

OF COUNSEL:
HERBERT M. BIRCH (1905-1996)

ELLIOT A. GOLDBERG*
WILLIAM L. GATES*
EDWARD H. VALANCE
RUPERT J. BRADY (RET.)*
F. PRINCE BUTLER
FRED S. WHISENHUNT
JAMES W. HELLWEGE

*ADMITTED TO A BAR OTHER THAN VA

INTELLECTUAL PROPERTY LAW
8110 GATEHOUSE ROAD
SUITE 500 EAST
FALLS CHURCH, VA 22042-1210
USA

(703) 205-8000

FAX (703) 205-8050
(703) 698-8590 (G IV)

e-mail: mailroom@bskb.com
web: http://www.bskb.com

CALIFORNIA OFFICE
COSTA MESA, CALIFORNIA

JAMES T. ELLER, JR
SCOTT L. LOWE
D. RICHARD ANDERSON
PAUL C. LEWIS
MARK W. MILSTEAD*
RICHARD J. GALLAGHER
JAYNE M. SAYDAH*
MARYANNE ARMSTRONG, PH D
KECIA J. REYNOLDS
ROBERT L. SCOTT, II
KALPANA REDDY
LARRY J. HUME

REG. PATENT AGENTS
FREDERICK R. HANDREN
MAKI HATSUMI
CRAIG A. McROBBIE
GARTH M. DAHLEN, PH D
ROBERT E. GOOZNER, PH D
MATTHEW J. LATTIG
TIMOTHY R. WYCKOFF
KRISTI L. RUPERT, PH D
HRAYR A. SAYADIAN, PH D
MATTHEW T. SHANLEY
JASON W. RHODES
CHRISTINA F. ANNICK
SUSAN W. GORMAN, PH D
DAVID J. CHO

Date: July 10, 2001

Docket No.: 0825-0166P

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This is a Request for filing a continuation divisional
 continuation-in-part application under 37 C.F.R. § 1.53(b) of
pending prior Application No. 09/371,510 filed on August 10,
1999, the entire contents of which are hereby incorporated by
reference,
by

Henrik GAROFF and Peter LILJESTROM

for

DNA EXPRESSION SYSTEMS BASED ON ALPHAVIRUSES

1. Enclosed is an application consisting of specification, claims, declaration and drawings/photographs (if applicable).
2. The filing fee has been calculated as follows:

11017 U.S. PRO
09/09/90 10:06
07/10/01

		LARGE ENTITY		SMALL ENTITY		
BASIC FEE		\$710.00		\$355.00		
	NUMBER FILED	NUMBER EXTRA	RATE	FEE	RATE	FEE
TOTAL CLAIMS	22-20 =	2	x 18=	\$36.00	x 9 =	\$0.00
INDEPENDENT CLAIMS	5-3 =	2	x 80=	\$160.00	x 40 =	\$0.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+ \$270.00		+ \$135.00	
		TOTAL	\$906.00		\$0.00	

3. A check in the amount of \$906.00 to cover the filing fee and recording fee (if applicable) is enclosed.

4. Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this request is enclosed.

5. Amend the specification by inserting before the first line thereof the following:

a. --This application is a continuation divisional continuation-in-part of co-pending Application No. 09/371,510, filed on August 10, 1999, the entire contents of which are hereby incorporated by reference and for which priority is claimed under 35 U.S.C. § 120; and this application claims priority of Application No. filed in on under 35 U.S.C. § 119.--

b. --This application is a continuation of co-pending Application No. 09/371,510, filed on August 10, 1999, which is a Rule 53(b) continuation of Application No. 08/466,277 filed June 6, 1995, which is a Rule 60 continuation of 07/920,281 filed August 13, 1991, and for which priority is claimed under 35 U.S.C. § 120. Application No. 07/920,281 is the national phase of PCT International Application No. PCT/SE91/00855 filed on December 12, 1991 under 35 U.S.C. § 371. The entire contents of each of the above-identified applications are hereby incorporated by reference. This application also claims priority of Application

No. 9003978-5 filed in Sweden on December 13, 1990
under 35 U.S.C. § 119.--

6. Enclosed is/are thirty-three (33) sheet(s) of formal drawings and/or photographs.

7a. A statement claiming small entity status was filed in prior Application No. 09/371,510 on _____. See the attached copy of the statement claiming small entity status.

7b. The current application qualifies for small entity status.

8. The prior application is assigned to Bioption AB.

9. A Preliminary Amendment is enclosed.

10a. Priority of Application No(s). ____ filed in ____ on ____ is/are claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application on _____.

10b. Priority of International Appln. PCT/SE91/00855 filed on December 12, 1991 under the Patent Cooperation Treaty and Swedish Application No. 9003978-5 filed in Sweden on December 13, 1990 under 35 U.S.C. § 119 are hereby reclaimed.

11. An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.

12. Address all future communications to:

BIRCH, STEWART, KOLASCH & BIRCH, LLP
P.O. Box 747
Falls Church, VA 22040-0747
Telephone: (703) 205-8000
or
Customer No. 2292

13. An extension of time for three (3) month(s) until July 10, 2001 has been submitted in parent Application No. 09/371,510 in order to establish co-pendency with the present application.

14. Also enclosed herewith is the following:
Substitute Sequence Listing

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Mark J. Nuell
Mark J. Nuell, #36,623

DRN/las
0825-0166P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachments

(Rev. 01/23/01)